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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,897	06/20/2003	Scott W. Ziegler	020P0101	6794
7590	09/09/2004		EXAMINER	
Rodney F. Brown 3365 Baltimore Street San Diego, CA 92117			VU, STEPHEN A	
			ART UNIT	PAPER NUMBER
			3636	

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/600,897	ZIEGLER, SCOTT W.
Examiner	Art Unit	
Stephen A Vu	3636	<i>SLW</i>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 28 June 2004.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 21-24 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-5,7,10-12 and 15-18 is/are rejected.
- 7) Claim(s) 6,8,9,13,14,19 and 20 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	_____ Paper No(s)/Mail Date: _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>6/20/03</u>	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input checked="" type="checkbox"/> Other: <u>Appendix A-B of #3,873,127.</u>

**DETAILED ACTION**

***Election/Restrictions***

Applicant's election without traverse of Group I in the reply filed on June 28, 2004 is acknowledged.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 7, and 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by McNichol, Jr. et al (#3,873,127).

Bowen shows a seating unit comprising a seat (10) including a seating surface (42) having an essentially horizontal orientation and a front side having a height, (see Appendix A), a backrest assembly (44) having a support arm (76) having a pivot end (80) (see Figure 2) and a free end (100) and a back bar (94) having an external surface, wherein the pivot end rotatably indirectly engages the seat via member (62). The free end engages indirectly to the back bar via support arm (76). The backrest assembly has a first selective operational position being an essentially vertical orientation, and the backrest assembly has a second selective operational position being an essentially horizontal orientation with the back bar positioned adjacent the seating surface and adjoining the height of the front side of the seat such that the external surface of the

back bar is essentially even with the height of the front side to expose an essentially smooth continuous transition between the back bar and the seat.

With claims 2 and 16, the support arm is a first support arm. The pivot end is a first pivot end, and the free end is a first free end. The seating unit has a second support arm (78) having a second pivot end (82) and a second free end (102).

With claim 3, the second pivot end rotatably indirectly engages the seat via member (64).

With claims 4-5 and 17, the seat has a first lateral side and a second lateral side. The first pivot end rotatably indirectly engages the seat at the first lateral side via member (62). The second pivot end rotatably indirectly engages the seat at the second lateral side via member (64).

With claims 7 and 18, the essentially vertical orientation of the backrest assembly has an angle of recline in a range from about 0 degree to 45 degrees beyond a vertical axis.

With claim 15, the seat (10) as discussed in claims 1 and 10 is now construed to be the passenger seat segment. McNichol, Jr. et al show a driver seat segment (22) having a driver seating surface with an essentially horizontal orientation and a rear edge with a height and the passenger seat segment (10) including a passenger seating surface having an essentially horizontal orientation and a front side with a height.

Claim 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by McNichol, Jr. et al (#3,873,127).

Bowen shows a seating unit comprising a seat (10) including a seating surface (42) having an essentially horizontal orientation and a front side having a height, a rear side opposite the front side (see Appendix B), a backrest assembly (44) having a support arm (76) having a pivot end (80) (see Figure 2) and a free end (100) and a back bar (94) having an external surface, wherein the pivot end rotatably engages the seat via member (62). The free end engages indirectly to the back bar via support arm (76). The backrest assembly has a first selective operational position being an essentially vertical orientation, and the backrest assembly has a second selective operational position being an essentially horizontal orientation. The support arm is a first support arm. The pivot end is a first pivot end, and the free end is a first free end. The seating unit has a second support arm (78) having a second pivot end (82) and a second free end (102).

With claim 11, the seat has a first lateral side and a second lateral side. The first pivot end rotatably indirectly engages the seat at the first lateral side via member (62). The second pivot end rotatably indirectly engages the seat at the second lateral side via member (64).

With claim 12, the first pivot end rotatably indirectly engages the seat at the first lateral side proximal the rear side via member (62). The second pivot end rotatably indirectly engages the seat at the second lateral side proximal the rear side via member (64).

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. GB 2076754A, Speer, Wright, Frank et al, and Stark et al are cited as showing similar types of seating unit.

***Allowable Subject Matter***

Claims 6,8-9,13-14, and 19-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen A Vu whose telephone number is 703-308-1378. The examiner can normally be reached on M-F from 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter M Cuomo can be reached on 703-308-0827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Stephen Vu  
September 6, 2004

## APPENDIX A

PATENTED MAR 25 1975

3,873,127

SHEET 1 OF 4

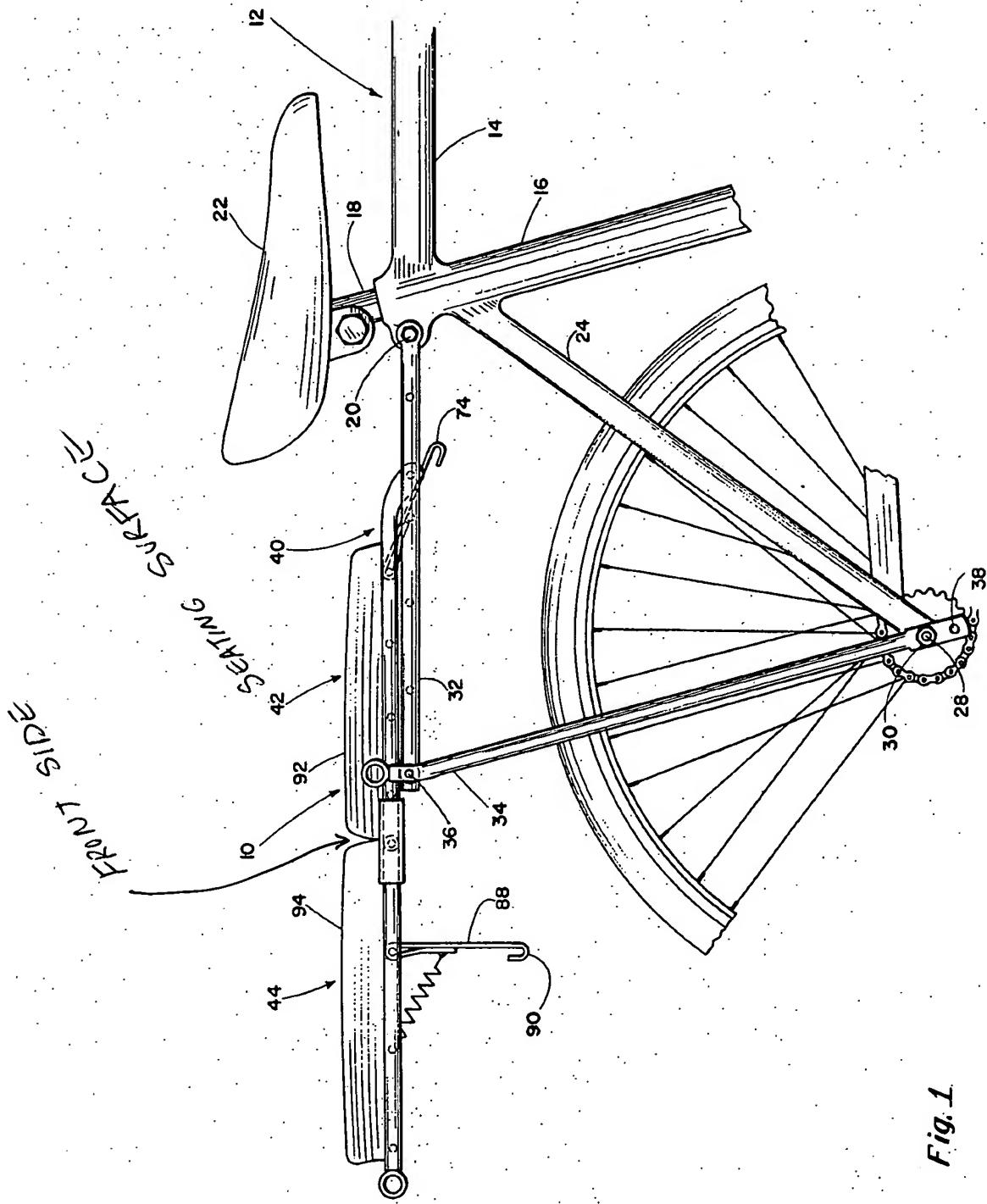


Fig. 1

## APPENDIX

B

PATENTED MAR 25 1975

3,873,127

SHEET 1 OF 4

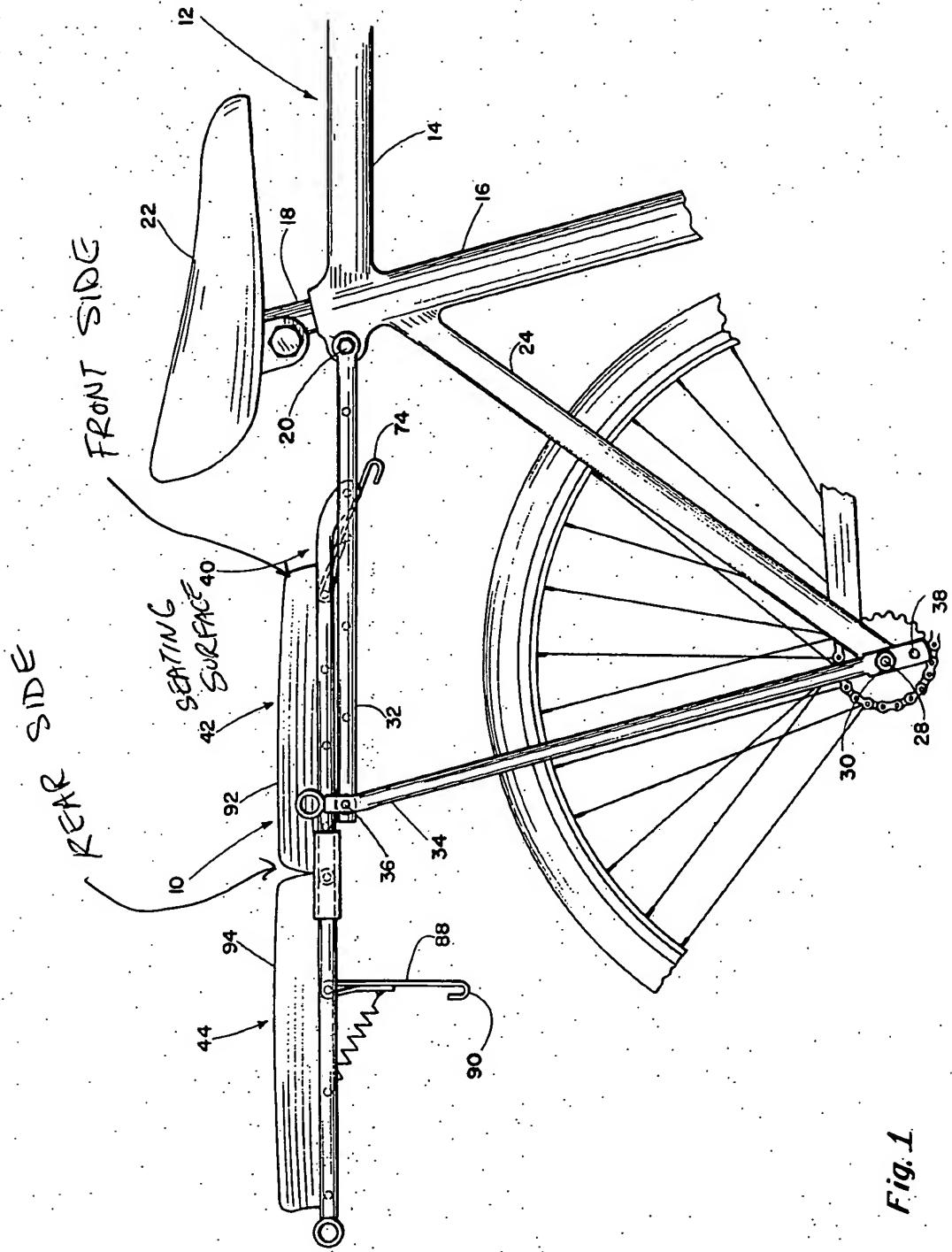


Fig. 1.